

EXHIBIT A-3

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TYLER HARDY and DANNY ROCHEFORT,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

EMBARK TECHNOLOGY, INC. f/k/a
NORTHERN GENESIS ACQUISITION CORP.
II, IAN ROBERTSON, KEN MANGET,
CHRISTOPHER JARRATT, PAUL
DALGLISH, ROBERT SCHAEFER, BRAD
SPARKES, ALEX RODRIGUES, and
RICHARD HAWWA,

Defendants.

No. 3:22-cv-02090-JSC

CLASS ACTION

Hon. Jacqueline Scott Corley

SUMMARY NOTICE

EXHIBIT A-3

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

To: All persons (i) who purchased or otherwise acquired Embark Technologies, Inc. (“Embark” or the “Company”) common stock pursuant or traceable to the July 2, 2021 registration statement, including all amendments thereto, issued in connection with the November 2021 business combination between Northern Genesis Acquisition Corp. II (“Northern Genesis”) and Embark Trucks Inc. (the “November 2021 Business Combination”) and were damaged; and/or (ii) beneficially owned and/or held Northern Genesis common stock as of October 6, 2021, the record date, and were eligible to vote at Northern Genesis’ November 9, 2021 special meeting with respect to the November 2021 Business Combination, and were damaged.

A hearing will be held on _____ at _____.m. before the Honorable Jacqueline Scott Corley at the United States District Court for the Northern District of California, 450 Golden Gate Avenue, Courtroom 8—19th Floor, San Francisco, CA 94102, to determine:

(1) whether the proposed Settlement for \$2.5 million in cash should be approved by the Court as fair, reasonable, and adequate; (2) whether the proposed plan to distribute the settlement proceeds is fair and reasonable; (3) whether the application for an award of attorneys’ fees of up

to \$835,000 (33.4% of the Settlement) and reimbursement of expenses of up to \$140,000 and a payment of no more than \$2,500 to each of the two Class Representatives for their reasonable costs and expenses should be approved; (4) whether the Action should be dismissed with prejudice against the Defendants, as set forth in the Amended Stipulation and Agreement of Settlement (the “Amended Stipulation”) filed with the Court.

If you have not received the detailed Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and Proof of Claim and Release Form (“Proof of Claim”) you may obtain them at www.strategicclaims.net/embark/ or by contacting the Settlement Administrator at Embark Securities Litigation, Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 205, Media, PA 19063, Tel: (866) 274-4004, Fax (610) 565-7985.

If you purchased or otherwise acquired Embark common stock pursuant or traceable to the July 2, 2021 registration statement, including all amendments thereto, issued in connection with the November 2021 Business Combination and were damaged, **your rights may be affected by this Settlement.** If you beneficially owned and/or held Northern Genesis common stock as of October 6, 2021, the record date, and were eligible to vote at Northern Genesis' November 9, 2021 special meeting with respect to the November 2021 Business Combination, and were damaged, **your rights may be affected by this Settlement.** As further described in the Notice, you will be bound by any Judgment entered in the Action, whether or not you make a claim, unless you request exclusion from the Settlement Class, in the manner set forth in the Notice, no later than _____, 202_.

If you are a member of the Settlement Class and wish to share in the Settlement proceeds, you must submit a Proof of Claim no later than _____, 202_ establishing that you are entitled to recovery. Any objections to the Settlement, Plan of Allocation, application for attorneys' fees and expenses, and/or an award of reasonable costs and expenses for the two Class Representatives must be made in writing and provided to the Court, in the manner set forth in the Notice, no later than _____, 202_.

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE. Inquiries, other than requests for the Notice, may be made to Class Counsel at the addresses below.

Brenda Szydlo POMERANTZ LLP 600 Third Avenue, Floor 20 New York, NY 10016 Telephone: (212) 661-1100

Dated: _____, 202_

BY ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA